



General Assembly

Amendment

February Session, 2004

LCO No. 3783

HB0500703783HDO

Offered by:

REP. MARTINEZ, 128th Dist.

SEN. PRAGUE, 19th Dist.

To: Subst. House Bill No. 5007

File No. 579

Cal. No. 392

**"AN ACT CONCERNING PERSONAL CARE ASSISTANCE AND
THE HOME-CARE PROGRAM."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (c) of section 17b-342 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective June*
5 *1, 2005*):

6 (c) (1) The community-based services covered under the program
7 shall include, but not be limited to, the following services to the extent
8 that they are not available under the state Medicaid plan, occupational
9 therapy, homemaker services, companion services, meals on wheels,
10 adult day care, transportation, mental health counseling, care
11 management, elderly foster care, minor home modifications and
12 assisted living services provided in state-funded congregate housing
13 and in other assisted living pilot or demonstration projects established
14 under state law.

15 (2) Personal care assistance shall be allowed as an alternate covered
16 service to home health services under the program, provided the cost
17 to the state does not exceed the cost to the state for home health
18 services provided under the program. Personal care assistance under
19 the program may be provided by nonspousal family members of the
20 recipient of services under the program.

21 (3) Recipients of state-funded services and persons who are
22 determined to be functionally eligible for community-based services
23 who have an application for medical assistance pending shall have the
24 cost of home health and community-based services covered by the
25 program, provided they comply with all medical assistance application
26 requirements.

27 (4) Access agencies shall not use department funds to purchase
28 community-based services or home health services from themselves or
29 any related parties.

30 Sec. 2. Section 17b-343 of the general statutes is repealed and the
31 following is substituted in lieu thereof (*Effective June 1, 2005*):

32 The Commissioner of Social Services shall establish annually the
33 maximum allowable rate to be paid by said agencies for homemaker
34 services, chore person services, companion services, respite care, meals
35 on wheels, adult day care services, case management and assessment
36 services, transportation, mental health counseling and elderly foster
37 care, except that the maximum allowable rates in effect July 1, 1990,
38 shall remain in effect during the fiscal years ending June 30, 1992, and
39 June 30, 1993. The Commissioner of Social Services shall establish
40 annually the maximum allowable rate to be paid for personal care
41 assistance. The Commissioner of Social Services shall prescribe
42 uniform forms on which agencies providing such services shall report
43 their costs for such services. Such rates shall be determined on the
44 basis of a reasonable payment for necessary services rendered. The
45 maximum allowable rates established by the Commissioner of Social
46 Services for the Connecticut home-care program for the elderly

47 established under section 17b-342, as amended by this act, shall
48 constitute the rates required under this section until revised in
49 accordance with this section. The Commissioner of Social Services shall
50 establish a fee schedule, to be effective on and after July 1, 1994, for
51 homemaker services, chore person services, companion services,
52 respite care, meals on wheels, adult day care services, case
53 management and assessment services, transportation, mental health
54 counseling and elderly foster care. The commissioner may annually
55 increase any fee in the fee schedule based on an increase in the cost of
56 services. The commissioner shall increase the fee schedule effective
57 July 1, 2000, by not less than five per cent, for adult day care services.
58 Nothing contained in this section shall authorize a payment by the
59 state to any agency for such services in excess of the amount charged
60 by such agency for such services to the general public.

61 Sec. 3. (*Effective from passage*) Not later than June 1, 2005, the
62 Commissioner of Social Services, when renewing the waiver from
63 federal law for the Medicaid funded portion of the Connecticut home-
64 care program for the elderly, shall include personal care assistance
65 pursuant to section 17b-342 of the general statutes, as amended by this
66 act.

67 Sec. 4. Section 47 of public act 00-2 of the June special session is
68 repealed and the following is substituted in lieu thereof (*Effective from*
69 *passage*):

70 (a) [The] Until May 31, 2005, the Commissioner of Social Services
71 shall, within available appropriations, establish and operate a state-
72 funded pilot program to allow not more than [fifty] sixty persons who
73 are sixty-five years of age or older and (1) who had received services
74 under the personal care assistance program established under section
75 17b-605a of the general statutes, as amended, at any time within the
76 twelve-month period preceding such person's sixty-fifth birthday, or
77 (2) who are eligible for services under the Connecticut home-care
78 program for the elderly established under section 17b-342 of the
79 general statutes, as amended by this act, provided the commissioner

80 determines that such persons are unable to access adequate home care
81 services, to receive personal care assistance in order to avoid
82 institutionalization.

83 (b) The Commissioner of Social Services shall evaluate the cost
84 effectiveness of providing personal care assistance under the
85 provisions of subsection (a) of this section.

86 (c) The Commissioner of Social Services may, within available
87 appropriations, increase the number of persons participating in the
88 pilot program to no more than one hundred provided such personal
89 care assistance has been demonstrated to be cost-effective.

90 (d) Not later than January 1, 2002, the Commissioner of Social
91 Services shall submit a report to the joint standing committees of the
92 General Assembly having cognizance of matters relating to public
93 health, human services and appropriations and the budgets of state
94 agencies on the pilot program established under subsection (a) of this
95 section.

96 (e) On and after June 1, 2005, the Commissioner of Social Services
97 shall provide personal care assistance to persons who were in the pilot
98 program on May 31, 2005, in accordance with the requirements of the
99 Connecticut home-care program for the elderly established under
100 section 17b-342 of the general statutes, as amended by this act."

This act shall take effect as follows:	
Section 1	<i>June 1, 2005</i>
Sec. 2	<i>June 1, 2005</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>